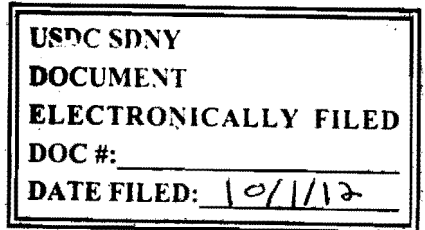


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
UNITED STATES

-v-

LEONIDES SIERRA et al.,

Defendants.  
-----X

11 Cr. 1032 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

A conference is scheduled for this case for Friday, October 5, 2012, at 11 a.m., for the Group B defendants. To facilitate an orderly and informed discussion at that conference, and to enable defense counsel at that conference to provide informed views on the subjects addressed herein, the Court directs the Government, by noon on Thursday, October 4, 2012, to submit to the Court and to all defense counsel a letter supplying the following information:

1. A list of all defendants presently classified in Group B.
2. The Government's current assessment as to the likely configuration of the case as of December 14, 2012—the deadline for return of superseding indictments as to the Group B defendants. The Court is particularly interested in understanding:

- a. The number of distinct units into which the Group B defendants are likely to be divided. (To be clear, the Court is not directing the Government to project which defendants will be indicted in superseding indictments on which charges. Rather, the Court seeks to understand how many distinct sets of charges—and hence potential trials—are likely to be pending as of December 14, 2012.) To the

extent the Government is able to elaborate on the forthcoming charges, that would be helpful, but is not necessary at this time.

b. The Government's current assessment as to the logical dates for a motion schedule for the Group B defendants. Given the prospect of multiple superseding indictments, the Court is assessing whether it would be more practical to have a common motions schedule for all Group B defendants or separate schedules keyed to each superseding information or trial unit.

c. The Government's current assessment of the date when the first of the Group B trials can be set. The Court is interested in scheduling the Group B cases for trial as soon as can be accomplished after the return of each superseding indictment, consistent with the rights of the defense to prepare to meet the superseding charges, including filing of pretrial motions. The Court would welcome the Government's assessment as to when the earliest superseding indictment(s) are likely to be returned, and when the Court will first be in position to set a trial date for the earliest of the Group B trials. The Court would also welcome any assessment the Government presently has as to the estimated length of the earlier Group B trials.

d. The Court's expectation at the October 5 conference is to schedule a new status conference for the week following the December 14 deadline for superseding indictments. However, to the extent a superseding indictment or indictments are returned before that date against one or more subsets of the Group B defendants, it may be sensible to schedule an earlier conference as to the defendants charged in each particular superseder, so as to enable the charges

against that set of defendants to proceed forward more quickly. The Court would welcome the Government's current assessment as to this subject.

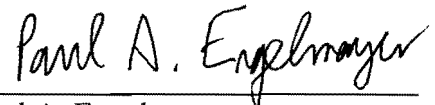
e. The status of the Government's consideration of potential capital charges.

(The Court is not directing the Government to address the status of its consideration of such charges with respect to particular Group B defendants. The Court is, however, interested in understanding, at a macro level, the status, stages, and anticipated timetable of this process.)

3. To the extent, if any, the Government is able to productively and non-speculatively address this point, the Court would welcome the Government's current assessment of how many Group B defendants are likely to go to trial.

4. The status of discovery as to the acts of violence addressed in the Government's preliminary enterprise letters of August 1, 2012, and August 31, 2012.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Paul A. Engelmayer  
United States District Judge

Dated: October 1, 2012  
New York, New York